

AMENDED IN SENATE APRIL 25, 2005

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 462

Introduced by Senator Morrow
(Coauthors: Senators Ducheny and Dutton)

February 18, 2005

An act to amend Section 47605.1 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 462, as amended, Morrow. Facilities in adjacent counties: waiver.

Existing law requires that a charter school, as specified, locate in accordance with the geographic and site limitations, as specified, of the Charter Schools Act of 1992.

Existing law authorizes a charter school to establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if (1) the facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school, and (2) the charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized.

This bill would authorize the State Board of Education to grant a waiver of the second requirement, upon application of the charter school, if the charter school demonstrates to the state board that it meets specified ~~conditions of operation~~ requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 47605.1 of the Education Code is amended to read:

47605.1. (a) (1) Notwithstanding any other provision of law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other provision of law, a charter school that is granted a charter by the State Board of Education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the State Board of Education prior to July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of the part, in accordance with subdivision (e).

(b) Nothing in this section is intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other provision, a charter school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized ~~all of~~ *if all of* the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized. The state board ~~shall~~ *may* grant a waiver of the requirements of this paragraph, upon application of the charter school, if the state board

determines that the charter school meets all of the following requirements:

(A) The charter school has been determined eligible for full funding of its nonclassroom based instruction pursuant to Section 47634.2, and is not the subject of a pending investigations by the department of audit exceptions or deficiencies.

(B) The charter school meets the quality assurance standards through accreditation by the Western Association of Schools and Colleges, or has attained candidacy status for accreditation by that organization at the time it files an application for a waiver pursuant to this paragraph.

(C) The charter school has demonstrated to the department the responsible and accurate reporting of the locations of all of its learning or resource centers, pursuant to subdivision (b) of Section 47604.4 and that it is providing, through employed staff representatives, responsible and appropriate oversight of each learning or resource center.

(D) The charter school has demonstrated to the department that neither the school nor its chartering authority is engaged in profiteering motives in serving pupils in contiguous counties.

(E) The charter school has been in operation for at least two years and has demonstrated to the department that a change in the population served by the school has created a need for the waiver.

(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish either one site, or, for nonclassroom-based instruction, one or more learning or resource center, outside the boundaries of the school district, but within the county within which that school district is located, if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The school has attempted to locate a single site or facility to house the entire program but such a facility or site is either unavailable, or for nonclassroom-based instruction, inadequate to serve the needs of the entire school's pupil population, in the area in which the school chooses to locate.

1 (2) The site is needed for temporary use during a construction
2 or expansion project.

3 (e) (1) For a charter school that was granted approval of its
4 charter prior to July 1, 2002, and provided educational services to
5 pupils before July 1, 2002, this section shall only apply to any
6 new educational services or schoolsites established or acquired
7 by the charter school on or after July 1, 2002.

8 (2) For a charter school that was granted approval of its
9 charter prior to July 1, 2002, but did not provide educational
10 services to pupils before July 1, 2002, this section shall only
11 apply upon the expiration of a charter that is in existence on
12 January 1, 2003.

13 (3) Notwithstanding other implementation timelines in this
14 section, by June 30, 2005, or upon the expiration of a charter that
15 is in existence on January 1, 2003, whichever is later, all charter
16 schools shall be required to comply with this section for
17 schoolsites at which education services are provided to pupils
18 prior to or after July 1, 2002, regardless of whether the charter
19 school initially received approval of its charter school petition
20 prior to July 1, 2002. To achieve compliance with this section, a
21 charter school shall be required to receive approval of a charter
22 petition in accordance with this section and Section 47605.

23 (4) Nothing in this section is intended to affect the authority of
24 a governmental entity to revoke a charter that is granted on or
25 before the effective date of this section.

26 (f) A charter school that submits its petition directly to a
27 county board of education, as authorized by Sections 47605.5 or
28 47605.6, may establish charter school operations only within the
29 geographical boundaries of the county in which that county board
30 of education has jurisdiction.

31 (g) Notwithstanding any other provision of law, the
32 jurisdictional limitations set forth in this section do not apply to a
33 charter school that provides instruction exclusively in partnership
34 with any of the following:

35 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.
36 Sec. 2801 et seq.).

37 (2) Federally affiliated Youth Build programs.

38 (3) Federal job corps training or instruction provided pursuant
39 to a memorandum of understanding with the federal provider.

1 (4) The California Conservation Corps or local conservation
2 corps certified by the California Conservation Corps pursuant to
3 Sections 14507.5 or 14406 of the Public Resources Code.

4 (5) Instruction provided to juvenile court school pupils
5 pursuant to subdivision (c) of Section 42238.18 or pursuant to
6 Section 1981 for individuals who are placed in a residential
7 facility.

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